

REMARKS

In response to the June 6, 2005 Office Action, Applicants respond to the Examiner's detailed action with the following remarks numbered according to the Examiner's communication. Claims 1, 2, and 4 are amended and new Claims 5 –12 are added hereby.

1. Responsive to the Examiner's objection to Claims 1 – 4, Applicants have amended Claims 1 and 4. Particularly, Claim 1 is amended to comprise a single sentence and Claim 4 is amended to delete "the means of detaching" and insert "a means of detaching" as required by the Examiner. As to the Examiner's objection to Claims 2 – 4 for being dependent on an objected base claim, Applicants respectfully submit that the amended Claim 1 overcomes the Examiner's objection and thus Claims 2 – 4 no longer depend from an objected base claim.

2. In regard to the Examiner's rejection of Claims 1 – 4 under 35 U.S.C. §102(b) as being anticipated by U.S. 6,805,364 (McClure, et al.), Applicant has amended Claims 1 and 2. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 is amended to include the limitation, "whereby the handle is configured to be grasped by one skiing behind the snowboard to apply force to the handle to control the direction, speed and edging of the snowboard" to thereby claim the configuration of the handle and not merely the intended use of the handle.

McClure, et al. teaches a snow scooter having "a hand-operable direction controller in communication with the forward portion," (McClure, et al.: column 2, lines 4-6). Further, according to McClure, et al.: column 6, lines 20 – 26, "[t]he user then steps aboard the support surface 30 of the rearward portion 28 and begins travel down a ski trail run. During this travel, the user can determine the direction of the snow scooter 10 by turning the handlebar set 20 which, of course, laterally directs the forward portion 14 and aims the snow scooter 10." McClure, et al. thus teaches a handlebar that is grasped by the user of the scooter and does not teach a handle that is grasped by a person skiing

behind the snow scooter to control the direction, speed, and edging of the scooter. In contrast, amended Claim 1 requires that the handle be “configured to be grasped by one skiing behind the snowboard.”

Claim 2 is amended to delete the term “preferably” and to include the limitation of “a set of existing snowboard binding screw holes.”

For the reasons stated above, McClure, et al. does not teach each and every element of the amended Claim 1. Applicants therefore respectfully submit that Claim 1 and Claims 2 – 4, which depend therefrom, are in condition for allowance.

New Claims 5 – 12 are hereby added to further claim the invention. Claim 5 is supported by the first sentence of paragraph 8 and the second sentence of paragraph 6 in the originally filed application. Claims 6 and 11 are supported by the second through the fourth sentences of paragraph 6 in the originally filed application. Claim 7 is supported by the seventh sentence of paragraph 6 in the originally filed application. Claims 8 and 9 are supported by the third and fourth sentences of paragraph 7 in the originally filed application. The base plate element of Claim 10 is supported by the second sentence of paragraph 6 in the originally filed application. The swivel connector element of Claim 10 is supported by the seventh sentence of paragraph 6 in the originally filed application. The handle element of Claim 10 is supported by the first sentence of paragraph 8 in the originally filed application. Claim 12 is supported by the seventh sentence of paragraph 6 and the fourth sentence of paragraph 7 in the originally filed application. No new matter is added.

New Claim 5 requires that the handle be attached to “a rearward portion of a snowboard such that the handle is disposed for grasping by an instructor.” McClure, et al. teaching “a hand-operable direction controller in communication with the forward portion,” (McClure, et al.: column 2, lines 4-6), does not teach a handle being attached to the rearward portion of a snowboard. Further, McClure, et al. teaches that the user of the scooter grasps the handlebar, not an instructor. Particularly, McClure, et al. teaches that “the user can determine the direction of the snow scooter 10 by turning the handlebar set 20,” (McClure, et al.: column 6, lines 23 – 24). Applicants respectfully submit that new Claim 5 and new Claims 6 – 9, which depend from Claim 5, are therefore distinct from the cited reference and in condition for allowance.

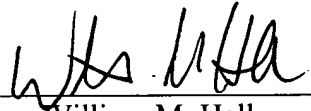
New Claim 10 requires that the handle be attachable to a snowboard via a swivel connector and a base plate so that "the handle is configured to be grasped by an instructor." In contrast, McClure, et al. teaches that the user of the scooter grasps the handlebar, and does not teach an instructor. Particularly, McClure, et al. teaches that "the user can determine the direction of the snow scooter 10 by turning the handlebar set 20," (McClure, et al.: column 6, lines 23 – 24). Applicants respectfully submit that new Claim 10 and new Claims 11 and 12, which depend from Claim 10, are therefore distinct from the cited reference and in condition for allowance.

3. The remaining art of record has been considered and while analogous does not render obvious the invention as now claimed whether viewed singly or in combination.

Applicants appreciate the opportunity to call the Examiner but believe that this amendment to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned patent practitioner if he has any matters to address that will facilitate allowance of the application.

Filed with this amendment and response is a petition to extend the time to answer together with the applicable fee to be paid from Deposit Account No.: 50-3010. Applicants respectfully request favorable consideration and the timely issuance of a Notice of Allowance in this case.

Respectfully submitted,
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